THE HON'BLE SRI JUSTICE BILAL NAZKI
AND
THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO. 18764 OF 2007

Date: 17.09.2007

Between:

M/s. Aarihant Marketing, Hanuman Tekdi, Hyderabad.

... Petitioner

and

Commercial Tax Officer, M.J. Market Circle, Hyderabad and another.

... Respondents.

THE HON'BLE SRI JUSTICE BILAL NAZKI
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THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

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ORDER: (per Hon'ble Sri Justice Bilal Nazki)

The net controversy in this case is whether multi valves which are used in cylinders fall within Item 27 of the IV Schedule or within the V-Schedule. If they fall within Schedule-IV, the tax attracted would be 4% and if they fall within V Schedule, the tax attracted would be 12.5%. Inquiry is pending for a long time. The goods have been detained in the month of Junr 2007. We would not like to go into the details as to why the matter is still pending before the authorities, but we feel that interests of justice would be met if the petitioner is directed to pay the tax at the rate of 4% before the goods are released to him. Therefore, we direct accordingly. Respondents are at liberty to make the assessment and pass final orders unmindful of this order. Petitioner shall also file objections within ten days to the notice issued to him already by the 2nd respondent.

Writ petition is disposed of accordingly.

BILAL NAZKI, J

17-9-2007

RAMESH RANGANATHAN, J

N.B:
Order by wire at party's cost.
(b/o)

MRKR